EXHIBIT G

IN THE MAGISTRATE COURT OF CLAYTON COUNTY

III THE MITOIOTICHE CO	
STATE OF	GEORGIA
U.S. Bank as Trustee for 2006-6 Trust)
Plaintiff,) CASE NO. 2017-CM05631) dispossessory proceeding
v.)
Clarence Carr & all other occupants) JURY TRIAL DEMANDED)
Defendants.)

DEFENDANT CLARENCE CARR'S MOTION TO DISMISS

NOW COMES Defendant Clarence Carr (hereinafter "Defendant"), one of the parties in possession of the property and files this motion to dismiss because Plaintiff has asserted a valid counterclaim in another case thus depriving this court of jurisdiction.

On February 7, 2017 Defendant filed a complaint in Superior Court (case #2017CV00513-09) seeking and an order and injunctive relief that would prevent the Plaintiff from filing any more dispossessory cases that relate to the foreclosure that occurred in 2011. As of the filing of this motion there have been 5 actions asserted by the Plaintiff. 4 cases in dispossessory court and one counterclaim in the now pending Superior Court action. Admittedly, Plaintiff was successful in obtaining a writ of possession in one case (State Court case #2013-cv-04128-D) but Defendant has successfully obtained 3 dismissals in Magistrate Court prior to the writ being issued to the Plaintiff. This present case was filed on March 2, 2017

and the Superior Court action (case #2017CV00513 09) was filed on February 7, 2017. Attached as Exhibit "A" is the Plaintiff' request for a hearing on its writ of possession claim filed in the Superior Court action. At present there are 2 pending cases between the same parties in 2 separate courts for the same claim of possession therefore under the first filed rule this case should be dismissed with prejudice because "[n]o suitor may prosecute two actions in the courts at the same time, for the same cause, and against the same party, and in such a case the defendant may require the plaintiff to elect which he will prosecute, if commenced simultaneously; and the pendency of the former shall be a good defense to the latter, if commenced at different times" (Jones v. Rich's, Inc., 81 Ga. App. 841, 60 S.E.2d 402 (1950) (quoting with approval Grant v. Franklin, 244 Ga.App. 370, 370-371, 534 S.E.2d 584 (2000).

WHEREFORE Defendant respectfully requests this Court:

- a. Dismiss this action with prejudice;
- b. Such other and further relief as the Court deems just and proper.

Respectfully submitted this 16th day of November, 2017.

Clarence Carr

Pro se

8703 Lake Forest Drive Joneseboro, Georgia 30236

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STATE OF	GEORGIA
U.S. Bank as Trustee for 2006-6 Trust)) CASE NO. 2017-CM05631
Plaintiff,) dispossessory proceeding)
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Defendants.))

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party with a copy of the within and foregoing, **DEFENDANT CLARENCE CARR'S MOTION TO DISMISS** in a properly addressed envelope, with adequate postage affixed thereto and addressed as follows:

Weissman, Nowack, Curry & Wilco, P.C.
Attn: Mr. Mathew Totten, Esq.
3500 Lenox Road
One Alliance Center, 4th Floor
Atlanta, Georgia 30326

Dated this 16th day of November, 2017.

Clarence Carr

Pro se

8703 Lake Forest Drive

Joneseboro, Georgia 30236